

REMARKS

1
2 The Applicants respectfully request consideration and allowance of new claims 23
3 through 42 in view of the above amendments and the following arguments.
4

5 **THE NEW CLAIMS ARE NOT ANTICIPATED BY THE BOOTHBY PATENT**

6 The Examiner rejected claims 1-22 in the parent case as being anticipated by U.S. Patent
7 No. 6,212,529 to Boothby et al. (The "Boothby patent" or "Boothby"). The Applicants believe
8 that the new claims set out above are not anticipated or rendered obvious by the Boothby patent.

9 The Boothby patent discloses a synchronization system using user defined filters to filter
10 out certain records from the synchronization target. As set out at Col. 7 of the Boothby patent
11 from line 1 through 40, a synchronization session requires that the user either define a new filter
12 or select a previously stored filter that they have previously entered. Records from the target
13 database are ultimately compared against the filter that the user has entered or selected for the
14 synchronization session. As a result of this comparison, either a record passes the filter or it does
15 not. Only records passing the filter are used to synchronize the desired data to the target.

16 Claim 23 requires "receiving a synchronization request" and "determining
17 synchronization session parameters for the synchronization request," where the synchronization
18 session parameters include at least a client device designator and a user identifier. Claim 23
19 further requires at element (c) the step of "selecting a prioritization scheme based on the
20 synchronization session parameters." After retrieving scheme effecting data, the method of claim
21 23 further requires "producing a prioritized data set based on the prioritization scheme and the
22 scheme effecting data."

1 The Boothby patent does not teach or suggest any process for determining
2 synchronization session parameters for a synchronization request as required at element (b) of
3 claim 23, nor does Boothby teach or suggest "selecting a prioritization scheme based on the
4 synchronization session parameters" as required at element (c) of claim 23. For these reasons
5 alone, claim 23 cannot be anticipated or rendered obvious by the Boothby patent. Furthermore,
6 the Boothby patent does not teach or suggest any prioritization of a data set as required by the
7 final element of claim 23. Rather, the Boothby patent merely applies a filter which results in
8 some records in a target data set being flagged as passing the filter and the remainder of the
9 records being flagged as not passing the filter. This flagging of certain records does not represent
10 a prioritized data set, that is, a preferentially ranked or ordered data set, as required by claim 23.
11 Thus, the Boothby patent cannot anticipate or render obvious claim 23 for this reason as well.

12 The corresponding program product and apparatus claims included in the new claims
13 include limitations similar to those set out in claim 23. Thus, these arguments as to claim 23
14 apply with equal force to the remaining independent claims in the case, claims 30 and 37.

15 Because the Boothby patent does not teach or suggest each and every element required in
16 new independent claims 23, 30, and 37, the Applicants believe that these claims are clearly
17 entitled to allowance over the Boothby patent together with their respective dependent claims.

1 **CONCLUSION**

2 For all of the above reasons, the Applicants respectfully request consideration and
3 allowance of new claims 23 through 42.

4 If the Examiner should feel that any issue remains as to the allowability of these claims,
5 or that a conference might expedite allowance of the claims, the Examiner is asked to telephone
6 the undersigned attorney.

7 Respectfully submitted,
8
9

10 The Culbertson Group, P.C.
11

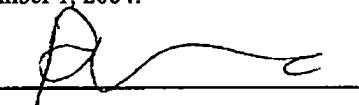
12 Dated: 1 Dec 2004

13 By: 

14 Russell D. Culbertson, Reg. No. 32,124
15 Russell Scott, Reg. No. 43,103
16 Trevor Lind, Reg. No. 54,785
17 1114 Lost Creek Blvd., Suite 420
18 Austin, Texas 78746
19 512-327-8932

20 ATTORNEYS FOR APPLICANT
21
22
23
24 CERTIFICATE OF FACSIMILE
25

26 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark
27 Office, (Fax No. 703-872-9303) on December 1, 2004.
28

29 Reg. No. 32,124, Russell D. Culbertson 

30
31
32
33
34 1057_Amendment_RCE.wpd